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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 JENNIFER O. CATASTINI,)
10 Plaintiff,) CASE NO. C10-5782-JCC
11 v.)
12 MICHAEL J. ASTRUE,) ORDER OF REMAND
Commissioner of Social Security,)
13 Defendant.)
14 _____)

15 The Court has reviewed the entire record, including the Administrative Record, the
16 memoranda of the parties, the Report and Recommendation of United States Magistrate Judge
17 Mary Alice Theiler, Plaintiff's objections (Dkt. No. 21), and Defendant's response (Dkt. No.
18 22).

19 Plaintiff's objections are divided into two parts. In the first, she lists a long string of
20 medical incidents that the ALJ failed to mention. Plaintiff argues that the Magistrate Judge
21 erred in the Report and Recommendation by stating that Plaintiff had not raised these
22 arguments in her opening brief when, in fact, she had. Plaintiff is incorrect. Magistrate Judge

01 Theiler did acknowledge that the argument was made in Plaintiff's opening brief, but observed
02 that the argument was not made with any specificity. (Dkt. No. 20 at 6.) Judge Theiler's
03 characterization is correct. Plaintiff's opening brief stated "The significance of this evidence is
04 that it provides additional evidentiary support for Catastini's testimony and shows that the ALJ
05 erred by failing to fully credit her testimony." (Dkt. No. 12 at 13.) This is a conclusory claim
06 and need not be addressed by the Court.

07 In the remainder of her objections, Plaintiff repeats her earlier arguments and does not
08 address the merits of Judge Theiler's Report and Recommendation. The Court is not convinced.
09 It is therefore ORDERED:

- 10 (1) The Court adopts the Report and Recommendation (Dkt. No. 20);
- 11 (2) Defendant's motion to strike (Dkt. 16 at 3) plaintiff's "Appendix of
12 Documentary Evidence" (Dkt. 12-1) is GRANTED;
- 13 (3) The Court AFFIRMS this matter in part and REMANDS this matter in part for
14 further administrative proceedings; and
- 15 (4) The Clerk shall direct copies of this Order to all counsel and to Judge Theiler.

16 DATED this 15th day of November 2011.

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20 JOHN C. COUGHENOUR
21 United States District Judge
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